

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Consolidated Edison, Inc.,	:	USDC SDNY
Plaintiff,	:	DOCUMENT
-against-	:	ELECTRONICALLY FILED
Harleysville Worcester Insurance Co.,	:	DOC#:
Defendant.	:	DATE FILED: 10/19/2021
	:	

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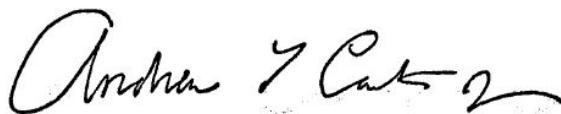
**ANDREW L. CARTER, JR., United States District Judge:**

The Court is in receipt of Defendant Harleysville Worcester Insurance Company's ("Defendant") pre-motion conference request in connection with its anticipated motion to dismiss the Amended Complaint under Fed. R. Civ. P. 12(b)(6), *see* ECF No. 15, and Plaintiff Consolidated Edison Company of New York, Inc.'s ("Plaintiff") response in opposition. *See* ECF No. 16. Plaintiff's letter indicates, *inter alia*, that "without prejudice and preserving the right to amend" it is "willing to dismiss everything Defendant asks for: Counts 2 and 3, and the claims for consequential damages and attorney's fees in Plaintiff's Prayer for Relief." *Id.* at 1. In doing so, Plaintiff states that "nothing" would be "standing in the way of Defendant filing its Answer." *Id.*

Accordingly, Defendant Harleysville Worcester Insurance Company is hereby **ORDERED** **TO RESPOND** to Plaintiff's response in opposition to its pre-motion conference request (ECF No. 16) no later than **October 22, 2021**.

**SO ORDERED.**

**Dated:** October 19, 2021  
New York, New York



**ANDREW L. CARTER, JR.**  
**United States District Judge**